

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Shelton	Team: Squad #11	CCRB Case #: 202003813	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/02/2020 10:15 PM	Location of Incident: 4th Avenue, between Atlantic Avenue and Pacific Street	Precinct: 78	18 Mo. SOL 12/2/2021	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 06/02/2020 10:52 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 06/02/2020 10:52 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. An officer			
3. CPT Anthony Longobardi	00000	923451	PBBS
4. SGT Bilal Ates	03374	934429	WARRSEC
5. DT3 Jason Reynolds	04942	937367	NARCBBS
6. DT3 Alfred Davidson	04660	941621	NARCBBS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jonathan Warfield	11222	962159	060 PCT
2. POM Brian Mejiamorel	22270	968636	067 PCT
3. DT3 James Harkins	02705	952831	NARCBBS
4. DT3 Ricardo Joseph	05406	938736	NARCBBS
5. POM Edwin Santiago	20758	968118	067 PCT
6. POM Michael Kolnberger	02201	960767	POL LAB
7. SGT Wildor Saintval	05374	946209	078 PCT
8. PO Ajxan Dalipovski	22136	963943	062 PCT
9. LT Joseph Pollari	00000	940590	INV REVIEW
10. SGT Justin Feldman	01502	943222	062 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Bilal Ates	Force: Sergeant Bilal Ates used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
B.SGT Bilal Ates	Force: Sergeant Bilal Ates used physical force against § 87(2)(b) § 87(2)(b)	
C.DT3 Alfred Davidson	Force: Detective Alfred Davidson used physical force against § 87(2)(b)	
D.DT3 Alfred Davidson	Force: Detective Alfred Davidson used physical force against § 87(2)(b) § 87(2)(b)	
E.SGT Bilal Ates	Force: Sergeant Bilal Ates used physical force against an individual.	
F. An officer	Abuse: An officer threatened an individual with the use of force.	
G. Officers	Force: Officers used physical force against § 87(2)(b) § 87(2)(b)	
H. Officers	Force: Officers used physical force against § 87(2)(b)	
I.CPT Anthony Longobardi	Force: Captain Anthony Longobardi struck § 87(2)(b) with a baton.	
J.SGT Bilal Ates	Force: Sergeant Bilal Ates hit § 87(2)(b) against the ground.	
K. An officer	Force: An officer used physical force against an individual.	
L.DT3 Jason Reynolds	Discourtesy: Detective Jason Reynolds spoke discourteously to § 87(2)(b)	

Case Summary

On June 2, 2020, § 87(2)(b) § 87(2)(b) filed this complaint with the CCRB via the agency's call processing system. § 87(2)(b) . On June 3, 2020, § 87(2)(b) § 87(2)(b) filed a duplicate complaint with the CCRB via the agency's call processing system. On June 3, 2020, § 87(2)(b) filed a duplicate complaint with the CCRB via the agency's website, § 87(2)(b) which was subsumed under this complaint. On June 5, 2020, § 87(2)(b) filed a duplicate complaint with the CCRB via the agency's call processing system, as reflected § 87(2)(b) which was subsumed under this complaint.

On June 2, 2020, at approximately 10:15 p.m., § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) all approached an arrest taking place on 4th Avenue between Atlantic Avenue and Pacific Streets in Brooklyn during a public demonstration against police brutality. Sgt. Bilal Ates of Narcotics Borough Brooklyn South pushed § 87(2)(b) and § 87(2)(b) (Allegations A and B: Force, § 87(2)(g)). Det. Alfred Davidson took § 87(2)(b) and § 87(2)(b) down to the ground (Allegations C and D: Force, § 87(2)(g)). Sgt. Ates pushed an unidentified female to the ground (Allegation E: Force, § 87(2)(g)). An unidentified male officer attempted to kick that same female (Allegation F: Abuse of Authority, § 87(2)(g)). Officers allegedly struck § 87(2)(b) § 87(2)(b) repeatedly with their closed fists and § 87(2)(b) repeatedly with their feet (Allegations G and H: Force, § 87(2)(g)). Capt. Anthony Longobardi of the 62nd Precinct allegedly struck § 87(2)(b) with his baton (Allegation I: Force, § 87(2)(g)). Sgt. Ates grabbed § 87(2)(b) lifted him in the air, and slammed him on the ground (Allegation J: Force, § 87(2)(g)). An unidentified officer was alleged to have pushed an unidentified female (Allegation K: Force, § 87(2)(g)). Det. Jason Reynolds of Narcotics Borough Brooklyn South told an unidentified individual, "I don't give a fuck who you are" (Allegation L: Discourtesy, § 87(2)(g)).

§ 87(2)(b) and § 87(2)(b) § 87(2)(b) as noted in arrest reports § 87(2)(b) and § 87(2)(b) respectively, were arrested for resisting arrest, obstructing governmental administration in the second degree, and disorderly conduct for fighting and violent behavior (BR 01). § 87(2)(b)

Footage pertaining to this incident was taken and provided by § 87(2)(b) with his cellphone (BR 03), taken and provided by § 87(2)(b) § 87(2)(b) with her cellphone (BR 04), provided by the NYPD Legal Bureau from the body-worn cameras (BWC) assigned to Capt. James Hepworth of the 71st Precinct and PO Michael Kolnberger of Transit Bureau District 33 (BR 05-06).

On June 5, 2020, this case was assigned to Inv. William Parker MacLure. On August 21, 2020, following Inv. MacLure's resignation from the CCRB, this case was assigned to Supervising Investigator Miriam Lynch. On November 8, 2021, following Supervising Investigator Lynch's resignation from the CCRB, this case was assigned to Supervising Investigator Benjamin Shelton.

Allegation A – Force: Sergeant Bilal Ates used physical force against § 87(2)(b)

Allegation B – Force: Sergeant Bilal Ates used physical force against § 87(2)(b)

§ 87(2)(b)

Allegation C – Force: Detective Alfred Davidson used physical force against § 87(2)(b)

Allegation D – Force: Detective Alfred Davidson used physical force against § 87(2)(b)

§ 87(2)(b)

Footage from § 87(2)(b)'s cellphone addresses these allegations (BR 03). There are no on-screen timestamps. At 1:00, the camera looks down 4th Avenue toward Pacific Street from near the intersection with Atlantic Avenue. A group of officers is huddled around § 87(2)(b) effecting his arrest in the street near the entrance to a subway station. Officers and civilians approach. At 1:05, § 87(2)(b) a Hispanic female in a black hoodie with a white graphic on the back wearing white sneakers, is seen running toward the arrest from the camera on the right side of the frame. At 1:09, § 87(2)(b) a Hispanic male wearing a cream hoodie over a black jacket wearing white sneakers, enters the right side of the frame and runs toward § 87(2)(b) and the arrest. At 1:16, § 87(2)(b) is seen on the bottom center of the frame with § 87(2)(b) whom he obstructs from the camera's view, directly in front of him. Multiple voices are heard stating, "Back up," and, "Get on the sidewalk." At 1:19, an officer in a white shirt approaches them and pushes them away from the arrest with a two-handed baton push. Immediately following, Sgt. Ates approaches from the left side of the frame pushes them in a different direction, into the street and away from the sidewalk. It appears he does so with a two-handed baton push. The exact contact is not clearly depicted, but it appears his hands and/or baton make contact with § 87(2)(b)'s and/or § 87(2)(b)'s upper body, near their heads and left shoulders. This causes both § 87(2)(b) and § 87(2)(b) to take steps to their right. At 1:21, Det. Davidson grabs § 87(2)(b)'s left shoulder from behind. Shield 23574 is visible on the helmet worn by Det. Davidson. The camera briefly moves above Det. Davidson's interaction with § 87(2)(b). At 1:22, it is apparent that Det. Davidson holds § 87(2)(b)'s left shoulder as both move forward into the street. § 87(2)(b) falls forward onto the ground as Det. Davidson lets go of him. At 1:23, it is apparent that § 87(2)(b) has fallen with § 87(2)(b). Det. Davidson and other officers then huddle around § 87(2)(b) and § 87(2)(b) to effect their arrests.

§ 87(2)(b) witnessed the initial arrest captured at the beginning of the above-referenced footage and approached to protest officers' actions (BR 07-08). A white-shirt officer told her multiple times to move back. She took at least two steps back but continued to shout in protest of officers' actions, which she perceived to be excessive § 87(2)(b). § 87(2)(b) stood behind her. The white-shirt officer pushed § 87(2)(b)'s shoulder with one of his hands and she took two steps backward. § 87(2)(b) went in between the officer and § 87(2)(b) and told the officer not to touch a woman like that. She did not allege any other pushes against herself or § 87(2)(b) by other officers. After § 87(2)(b) moved in front of her, she continued to focus on the initial arrest she approached. At this point, her recollection was not clear, but she described officers' behavior as escalating in violence with many different things happening at once. She was still loudly protesting the arrest she witnessed. She gesticulated and one or two officers grabbed and held her arms down toward her sides while holding her torso to still her. Once the arrestee was cuffed and sitting on the curb, she saw § 87(2)(b) on the ground. She did not recall observing how he got to ground. She eventually went to ground herself but described this as occurring of her own volition.

§ 87(2)(b) provided testimony consistent with the video evidence, but only noticed that § 87(2)(b) was pushed twice. He did not testify to seeing § 87(2)(b) get

pushed (BR 09). The second push from § 87(2)(b)'s side caused him to go to ground. He did not testify to seeing § 87(2)(b) get pushed to the ground.

§ 87(2)(b) stated she did not witness the actions captured by § 87(2)(b)'s cellphone but saw a male she could not describe get tackled by several officers at the incident location (BR 10).

§ 87(2)(b) did not witness these allegations (BR 11).

§ 87(2)(b) did not cooperate with providing a verified statement to the CCRB.

Sgt. Ates did not recall pushing § 87(2)(b) and § 87(2)(b) (BR 12-13). When presented the above-referenced footage, Sgt. Ates could not positively identify himself or elaborate on why he pushed § 87(2)(b) and § 87(2)(b). He stated he did not see any clear physical contact at that point. He recalled pushing other civilians at this time as they did not respond to officers' multiple orders to move away from the scene of the arrest and clear the street. He did not intend to arrest any individuals he recalled pushing at this time. Based on the footage, he described § 87(2)(b) as approaching an arrest and assuming a fighting stance.

Det. Davidson did not recall this incident or having any physical interactions with civilians (BR 15). When presented screenshots from 1:22 and 1:23 in the above-referenced footage, depicting his helmet, he confirmed a partial shield match of "2357_" but was unable to make out the final digit to confirm a complete match with shield 23574, which he confirmed was his original shield number as displayed on the helmet he wore during the protests. He could not confirm if it was himself. When presented the above-referenced footage, Det. Davidson observed § 87(2)(b) being taken down to the ground after approaching officers, and it appeared he and § 87(2)(b) were interfering with an arrest. He could not confirm if he was involved or present. He stated it was possible he was there assisting arresting officers in some capacity.

PO Jonathan Warfield of the 60th Precinct was the arresting officer for § 87(2)(b) and § 87(2)(b) but denied being present for their arrests and stated PO Mejia-Morel provided him information for him to complete the arrest paperwork (BR 16).

PO Brian Mejia-Morel of the 67th Precinct assisted in the initial arrest (BR 17). He described § 87(2)(b) and § 87(2)(b) as interfering with that arrest by approaching with six feet of the arresting officers. He did not recall anything that officers did to maintain distance with both individuals. PO Mejia-Morel had his back toward them as he assisted in the arrest. When he next observed § 87(2)(b) and § 87(2)(b) they were already on the ground.

No other interviewed officer recalled these allegations and could not elaborate on the above-referenced footage (BR 18-31).

The arrest reports for § 87(2)(b), § 87(2)(b) and § 87(2)(b), prepared by PO Warfield were identical in that both were charged with resisting arrest, obstructing governmental administration in the second degree, and disorderly conduct for fighting and violent behavior and the narratives, provided to PO Warfield by PO Mejia-Morel, described both arrestees throwing objects at officers after being ordered to go home.

In officers' use of force, and in a determination of reasonableness of that force, multiple factors are considered including the nature and severity of the crime/circumstances, actions taken by the subject and the duration of those actions, immediacy of the perceived threat or harm to any party, whether the subject is actively resisting custody, where the subject is attempting to evade arrest by flight, number of subjects in comparison to the number of members of the service (MOS), physical condition and age of the subject in comparison to the MOS, presence of hostile crowd or agitators, and any stimulant or narcotic use that may affect pain tolerance or the likelihood of violence (BR 14) NYPD Patrol Guide Procedure 221-01.

It is apparent in the above-referenced footage, and based on § 87(2)(b)'s testimony, that both § 87(2)(b) and § 87(2)(b) approach the scene of an arrest in progress despite multiple officers ordering members of the public back. Neither individual is depicted moving away from the arrest until the white-shirt officer pushes them away from the arrest. The white-shirt officer was not a subject of this investigation as no clear misconduct was depicted in the footage and the only push alleged by civilians prior to the takedown was attributed to Sgt. Ates due to more choreographic similarities between the alleged push and his depicted push. Other members of the public approach the same arrest, they appear to be recording and observing with no apparent aggression by them. Sgt. Ates' push causes § 87(2)(b) and § 87(2)(b) Rodriguez to move further away from the arrest they attempted to approach to achieve their compliance with officer's orders. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

No statement corroborated the physical aggression attributed to § 87(2)(b) and § 87(2)(b) in their arrest reports. It is undisputed that they were arrested during the incident and Det. Davidson appears to initiate their arrests by his takedown. Without allowing § 87(2)(b) or § 87(2)(b) a reasonable amount of time to comply with officers' orders and physical guiding, he approaches them from behind and tackled them to the ground. What started as physical guidance from officers is immediately escalated by Det. Davidson to a rear-tackle of both individuals. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation E – Force: Sergeant Bilal Ates used physical force against an individual.

Footage from § 87(2)(b)'s cellphone addresses this allegation (BR 03). There are no on-screen timestamps. At 1:24, Sgt. Ates moves past a group of officers arresting § 87(2)(b) and § 87(2)(b). He approaches an unidentified female civilian wearing a greenish-yellow shirt and black backpack. She begins stepping backwards away from Sgt. Ates with her hands up and palms facing the sergeant. At 1:26, Sgt. Ates uses both hands to push her in the chest. She falls backward, apparently briefly in the air, as she falls onto her buttocks and back. Sgt. Ates then steps backwards and away from her.

§ 87(2)(b) provided testimony consistent with the above-referenced footage. § 87(2)(b) stated she did not witness the actions captured by § 87(2)(b)'s cellphone.

§ 87(2)(b) and § 87(2)(b) did not witness this allegation.

Due to lack of any identifying information for the victim of this allegation provided in the footage or in any testimony, the investigation was unable to attempt to obtain her statement.

Sgt. Ates performed site security for the arrests taking place at the incident location. He ordered the nearby protestors, who were in the middle of the street blocking traffic and appeared to be trying to intervene in the arrests, many times to disperse and get onto the sidewalk. He observed civilians throwing bottles at police on Fourth Avenue. The crowd got 10-12 feet away from the arrests and continued trying to approach. Sgt. Ates instructed a female individual multiple times to clear the intersection and get off the street. He said this at least three or four times. She did not move, and instead screamed and cursed. Sgt. Ates used two hands to hold his baton at a 45-degree angle to push her and she fell. He pushed her because she did not respond to his orders to move back. He did not intend to push her to the ground, but he wanted to get her out of the street. She was immediately grabbed by another civilian and pulled to her feet. He identified this push as that depicted in the above-referenced footage.

In officers' use of force, and in a determination of reasonableness of that force, multiple factors are considered including the nature and severity of the crime/circumstances, actions taken by the subject and the duration of those actions, immediacy of the perceived threat or harm to any

party, number of subjects in comparison to the number of MOS, physical condition and age of the subject in comparison to the MOS, presence of hostile crowd or agitators NYPD Patrol Guide Procedure 221-01.

It is apparent in the above-referenced footage that the victim of this allegation approaches the scene of an arrest in progress despite multiple officers ordering members of the public back. When Sgt. Ates approaches her to enforce site security around the arrest, it is apparent that she places her hands up in a non-threatening manner and begins to walk backwards and away from the arrest in compliance with officers' directives. At this point, Sgt. Ates' stated desire was to ensure the unidentified female went to the sidewalk. Conversely, his push causes her to move further into the street and away from the sidewalk, the strength of which is apparent in the female's bodily response.

§ 87(2)(g)

Allegation F – Abuse of Authority: An officer threatened an individual with the use of force.

Allegation G – Force: Officers used physical force against § 87(2)(b) § 87(2)(b)

Allegation H – Force: Officers used physical force against § 87(2)(b)

Known Facts and General Descriptions

Footage from § 87(2)(b)'s cellphone depicts the subjects of these allegations (BR 03). There are no on-screen timestamps. The arrests of § 87(2)(b) § 87(2)(b) and § 87(2)(b) are depicted from 1:23 to 2:00. No involved officer is depicted with identifying information other than Det. Davidson, but it is unclear if his involvement exceeds the takedown depicted at 1:21. At 1:30, after Sgt. Ates pushes a female civilian to the ground, an officer in a blue uniform and helmet approaches her and raises his right foot toward her in a kicking motion. From 1:44 to 1:48, the investigation identifies Capt. Longobardi, the only white-shirt officer depicted physically interacting with § 87(2)(b) as raising his baton, and lowering it toward § 87(2)(b) several times, and this use of force is addressed below in **Allegation I**. Most of the physical interaction between § 87(2)(b) § 87(2)(b) and § 87(2)(b) and officers is obstructed by multiple officers between the civilians and the camera.

Footage from § 87(2)(b)'s cellphone also depicts the subjects of these allegations (BR 04). There are no on-screen timestamps. The arrests of § 87(2)(b) § 87(2)(b) and § 87(2)(b) Sanches are depicted from 0:00 to 0:40. No involved officer is depicted with identifying information and § 87(2)(b)'s arrest, no other discrete uses of force against them are depicted. § 87(2)(b) noted that her recollection was vague during these allegations. She described officers physical interacting with § 87(2)(b) § 87(2)(b) as three to five helmeted and uniformed officers without any specific detail. She did not observe the officers interacting with herself.

§ 87(2)(b) was unable to describe the officers interacting with § 87(2)(b) § 87(2)(b) and § 87(2)(b) or that officer that raised his foot toward the unidentified female civilian.

§ 87(2)(b) described § 87(2)(b) § 87(2)(b) and § 87(2)(b) of these allegations as two male individuals without any specific detail. He did not testify to seeing any officers kick at any protestors. He did not recall the specific descriptions of any subject officers.

§ 87(2)(b) stated she did not witness these allegations.

In sum, civilian testimony and available video footage was unable to provide any detailed information of the subject officers of these allegations.

BWC

After eight separate BWC requests, two videos were provided by the NYPD's Legal Bureau recorded by those BWCs assigned to PO Kolnberger and Capt. Hepworth. However, that set of footage records events occurring after these allegations.

NYPD Documents Reviewed

Roll calls from the incident date from several commands of officers confirmed to be in the general vicinity of the incident included the 60th Precinct, 62nd Precinct, 78th Precinct, 84th Precinct, Narcotics Borough Brooklyn, as well as limited Patrol Borough Brooklyn South protest detail rosters were received by the investigation (BR 32-37). However, without any identifying information, the investigation was unable to use these documents to identify the subject officers.

The arrest reports for § 87(2)(b) and § 87(2)(b) include no information about specific officers involved in their restraint, but it notes that information was relayed by PO Mejia-Morel to arresting officer PO Warfield.

Threat, Resistance, and Injury Report (TRI) § 87(2)(b) prepared by Sgt. Justin Feldman of the 62nd Precinct on behalf of Capt. Longobardi, documents an injury received by Capt. Longobardi during the arrest of § 87(2)(b) due to incidental contact between his hand and an unknown officer's baton (BR 38). Lt. Joseph Pollari and PO Ajxan Dalipovski of the 62nd Precinct were reported to be present during the incident, but no specific officers are reported to have physically interacted with § 87(2)(b) during her arrest.

Medical Treatment of Prisoner Report § 87(2)(b), prepared by PO Warfield regarding a head injury on § 87(2)(b) at the time he took custody of her following these allegations, provided no identifying information for those officers involved in her arrest (BR 39).

NYPD case file § 87(2)(b) filed by § 87(2)(b) and investigated by Patrol Borough Brooklyn South Investigations, for separate allegations concerning Sgt. Ates provided no information concerning these allegations (BR 40).

Concurrent Investigations

There were no concurrent investigations concerning any force used by officers against § 87(2)(b) or § 87(2)(b).

Ranking Officers

Chief Brian Conroy of Patrol Borough Brooklyn South was identified to be in the general vicinity of the nearby Barclay's Center at the time of these allegations based on officer testimony. He was not interviewed as he was not identified as a direct witness or subject of these allegations.

Officers Interviewed

On October 2, 2020, PO Jonathan Warfield, shield 11222 of the 60th Precinct was interviewed, and he stated he was not present for these allegations and was later assigned the arrests and transport of § 87(2)(b) and § 87(2)(b). He did not recognize any subject officers in the above-referenced footage.

On January 21, 2021, PO Anthony Warner, shield 13547 of the 67th Precinct was interviewed, and he stated he was not on duty or present for these allegations (BR 18).

On April 5, 2021, PO Brian Mejia-Morel, shield 22270 of the 67th Precinct was interviewed, and he stated he did not witness these allegations. He handcuffed § 87(2)(b) when an unknown officer requested his assistance, but he observed none of the force used to restrain him. He did not recognize any subject officers in the above-referenced footage.

On April 7, 2021, Det. Ricardo Joseph, shield #5406 of Narcotics Borough Brooklyn South, was interviewed and did not recall witnessing these allegations while he was in the general

vicinity of the time. He did not recognize any subject officers in the above-referenced footage (BR 19).

On April 7, 2021, Det. James Harkins, shield 2705 of Narcotics Borough Brooklyn South was interviewed and did not recall witnessing these allegations while he was in the general vicinity of the time. He did not recognize any subject officers in the above-referenced footage (BR 20).

On April 29, 2021, and April 5, 2022, Sgt. Bilal Ates, shield 3375 of Narcotics Borough Brooklyn South was interviewed and did not recall witnessing these allegations while he was in the general vicinity of the time. He did not recognize any subject officers in the above-referenced footage.

On May 20, 2021, PO Edwin Santiago, shield 20758 of the 67th Precinct was interviewed and stated he did not recall witnessing these allegations while he was in the general vicinity at the time (BR 21).

On July 15, 2021, PO Michael Kolnberger, shield 2201 of Transit Bureau District 33 was interviewed and confirmed he assisted in the arrest which § 87(2)(b) and § 87(2)(b) had initially approached but stated he did not recall witnessing these allegations while he was in the general vicinity of the time (BR 22). He did not recognize any subject officers in the above-referenced footage.

On March 3, 2022, Det. Alfred Davidson, shield 4660 of Narcotics Borough Brooklyn South was interviewed and did not recall his own involvement in the takedown of § 87(2)(b) and § 87(2)(b) preceding these allegations, witnessing these allegations, or any potential involvement by himself in these allegations. He did not recognize any subject officers in the above-referenced footage.

On March 3, 2022, and March 24, 2022, Lt. Joseph Pollari of the 62nd Precinct was interviewed and confirmed his presence in the direct vicinity of § 87(2)(b)s and § 87(2)(b)s arrests (BR 23-27). He did not recall knowing the officers involved in their arrests and could not speak to specific actions they took other than bringing § 87(2)(b) to ground by holding her arms. Lt. Pollari was about five to seven feet away from § 87(2)(b)s arrest. He did not recall having any physical interaction with her. He did not recall any hand, foot, or baton strikes by officers. He did not recall Capt. Longobardi being injured during these allegations. He did not recognize any subject officers in the above-referenced footage.

On March 8, 2022, Det. Jason Reynolds, shield 4942 of Narcotics Borough Brooklyn South was interviewed and did not recall witnessing these allegations while he was in the general vicinity of the time (BR 28). He did not recognize any subject officers in the above-referenced footage.

On March 16, 2022, Sgt. Wildor Saint-Val, at the time of the incident a detective assigned to Narcotics Borough Brooklyn South with shield 5374, was interviewed and he stated he did not recall witnessing these allegations while he was in the general vicinity of the time (BR 29). He did not recognize any subject officers in the above-referenced footage.

On March 23, 2022, Sgt. Justin Feldman, shield 1502 of the 62nd Precinct was interviewed, and he stated he was not in the vicinity at the time of these allegations (BR 30). He explained he prepared the TRI paperwork on behalf of Capt. Longobardi due to an injury he sustained during this incident but was not a witness of the events himself. He did not recognize any subject officers in the above-referenced footage.

On April 11, 2022, PO Ajxan Dalipovski, shield 22136 of the 62nd Precinct was interviewed and did not recall being in the general vicinity of these allegations or witnessing them (BR 31). He did not recognize any subject officers in the above-referenced footage.

Allegation Recitation and Disposition

Footage from § 87(2)(b)s cellphone addresses these allegations (BR 03). There are no on-screen timestamps. At 1:23, after Det. Davidson takes § 87(2)(b) and § 87(2)(b) to the ground, he, and a group of officers in blue uniforms and helmets surround them. It is apparent that Det. Davidson and these officers interact with them on the ground, but no discrete

use of force is depicted. At 1:30, after Sgt. Ates pushes a female civilian to the ground, an officer in a blue uniform and helmet approaches her and raises his right foot toward her in a kicking motion. The camera pans to the right and moves back toward § 87(2)(b) and § 87(2)(b) s arrests. At 1:32, an officer in a blue uniform in the lower left corner of the frame raises a baton up and down, but it is unclear if it makes contact with any civilian. At 1:38, § 87(2)(b) is moved by officers to the right of § 87(2)(b). A grouping of officers still surrounds them and no discrete force by any officer is depicted until 1:44. From 1:44 to 1:48, Capt. Longobardi, the only white-shirt officer depicted physically interacting with § 87(2)(b) raises his baton and lowers it toward § 87(2)(b) as she raises her upper body off the ground before going back down. Capt. Longobardi's use of force is addressed below in **Allegation I**. No other discrete use of force by any officer is depicted during that time other than what appears to be general grappling. At 1:54, § 87(2)(b) is depicted lying on the ground, with a white-shirt officer holding his lower legs, as other officers in blue uniforms appear to handcuff him. Most of the physical interaction between § 87(2)(b) and § 87(2)(b) and officers is obstructed by multiple officers between the civilians and the camera.

Footage from § 87(2)(b) s cellphone also addresses these allegations (BR 04). There are no on-screen timestamps. At 0:00, § 87(2)(b) and § 87(2)(b) are already on the ground surrounded by officers. In the center of the frame, as § 87(2)(b) and § 87(2)(b) appear to still be directly near each other, one officer swings a baton twice standing between the two civilians and the camera swings a baton twice, but it is unclear if it makes contact with any civilian. Other officers appear to be generally grappling with them on the ground and no discrete use of force is depicted. At 0:06, officers appear to move § 87(2)(b) to the right of § 87(2)(b). An officer in a blue uniform is depicted kneeling over § 87(2)(b) s lower body and the officer appears to swing his leg down and toward him, but no clear contact with any civilian is depicted. Multiple officers obstruct the camera's view of the arrests. At 0:12, Capt. Longobardi is depicted swinging his baton at § 87(2)(b). As officers appear to continue to effect § 87(2)(b) s and § 87(2)(b) s arrest, no other discrete uses of force against them are depicted.

§ 87(2)(b) noted that her recollection was vague during these allegations. When she saw § 87(2)(b) on the ground, three to five helmeted and uniformed officers stood over him and used their closed fists to strike his head, torso, and legs repeatedly while he laid in the fetal position. She was unable to describe these officers in any specific detail. § 87(2)(b) placed her body on top of § 87(2)(b) s, facing downward toward him and the street. She heard additional officers run to her location. She covered her and § 87(2)(b) s heads by placing her forearms alongside both their faces. § 87(2)(b) felt three or four strikes to her calves and five or six times to her torso which she felt to be like officers' boots. She did not observe the officers striking her. She started kicking her feet and felt herself kick someone.

§ 87(2)(b) stated that once § 87(2)(b) went to ground, a group of officers surrounded him and held him down. It was difficult to see what officers were doing or how § 87(2)(b) was positioned. He observed other officers with § 87(2)(b) he could not clearly observe, whom the investigation has identified as § 87(2)(b) who was being hit with multiple batons. He was unable to describe the officers interacting with § 87(2)(b) and § 87(2)(b). He witnessed an officer attempt to kick a female protestor.

§ 87(2)(b) stated he saw two male individuals whom he could not describe at the incident location, identified by the investigation to be § 87(2)(b) and § 87(2)(b) lying face-down about 10 to 20 feet away from each other on the ground with at least three officers surrounded around each. At least two officers whom he could not describe struck each individual with their fists, feet, and batons. He observed at least one baton strike, at least two punches, and at least two kicks by officers. One baton strike hit one of the individuals' back or leg and one kick hit one of the individuals' torsos. He did not recall discrete force used against either individual.

§ 87(2)(b) stated she did not witness these allegations.

Only two officers were identified by the investigation as being involved in the arrests of § 87(2)(b) and § 87(2)(b) Det. Davidson, and Capt. Longobardi, and both are pled as subjects in separate allegations. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation I – Force: Captain Anthony Longobardi struck § 87(2)(b) with a baton.

Footage from § 87(2)(b)'s cellphone addresses this allegation (BR 03). There are no on-screen timestamps. At 1:44, Capt. Longobardi, the only white-shirt officer depicted physically interacting with § 87(2)(b) raises his baton and lowers it toward § 87(2)(b) as she raises her upper body off the ground before going back down. His shirt is apparently untucked, unlike other white shirt officers depicted in the area. No other discrete use of force by any officer is depicted during that time other than what appears to be general grappling.

Footage from § 87(2)(b)'s cellphone also addresses this allegation (BR 04). There are no on-screen timestamps. At 0:12, Capt. Longobardi is depicted swinging his baton at § 87(2)(b). As officers appear to continue to effect § 87(2)(b)'s and § 87(2)(b)'s arrest, no other discrete uses of force against them are depicted.

Footage from Capt. Hepworth's BWC depicts Capt. Longobardi following this allegation. (BR 06). The durational timestamp will be referenced. From 0:50 to 1:30, Capt. Longobardi, a tall white male with an average to heavy build wearing a white face mask whose white uniform shirt is untucked, walks in front of the camera and issues orders to other officers to line up.

§ 87(2)(b) stated that while § 87(2)(b) was being arrested on the ground, she placed her body on top of his, facing downward toward him and the street. She heard additional officers run to her location. She covered her and § 87(2)(b)'s heads by placing her forearms alongside both their faces. § 87(2)(b) felt three or four strikes to her calves and five or six times to her torso which she felt to her like officers' boots. She did not observe the officers striking her. She started kicking her feet and felt herself kick someone. She felt a strong, focused hit on the back of her head which she assumed was a baton due to its hardness and precision. At this point, § 87(2)(b) recalled nothing until she was in the back of a police van. She believed she was able to walk during this point because she never learned that she was carried and assumed § 87(2)(b) would have told her if so. She had a bleeding injury to the back of her head, which swelled in the coming days and became a prominent bump. She did not provide the investigation any documentation of her injuries or access to medical records.

§ 87(2)(b) observed officers striking multiple times with their batons § 87(2)(b) he could not clearly observe, whom the investigation has identified as § 87(2)(b). He was unable to describe these officers.

§ 87(2)(b) observed at least one baton strike by officers during the arrests of § 87(2)(b) and § 87(2)(b) but did not recall discrete force used against either individual. One baton strike hit one of the individuals' back or leg.

§ 87(2)(b) stated she did not witness these allegations.

Capt. Longobardi retired before his scheduled interview with the CCRB (BR 61). His official NYPD pedigree information notes that he is a white male standing at 6'1" tall and weighing 270 pounds (BR 62).

Lt. Pollari participated in a pursuit of the initial arrestee that § 87(2)(b) and § 87(2)(b) approached. He ran down the west side of 4th Avenue toward Pacific Street from Atlantic Avenue with Capt. Longobardi and PO Dalipovski in front of him. Near Pacific Street, Lt. Pollari slipped on gravel by the scaffolding, injuring one of his ankles. Just after, Capt. Longobardi

fell in front of Lt. Pollari. He lost sight of the arrestee as he continued running northeast. Lt. Pollari and Capt. Longobardi got up and walked towards the scene of his arrest, which was already taking place when he next observed the arrestee. He did not recall where Capt. Longobardi went or what he did after approaching the arrest. He did not recall observing PO Dalipovski again until after § 87(2)(b)'s arrest. He observed § 87(2)(b) approach the arrest and a large group of officers. Other than himself, Lt. Pollari did not recall other officers in this group. § 87(2)(b) yelled as she approached and unknown officers attempted to grab her arms as she moved them away in some manners. After officers took her down to arrest her, § 87(2)(b) tried to get up, flailed her body and continued moving her arms on the ground as multiple officers handcuffed her. She never got back on her feet. The same officers who took her down cuffed her on the ground. Lt. Pollari could not describe the specific actions officers took, other than bringing her to the ground by holding her arms. Lt. Pollari was about five to seven feet away from her arrest. He did recall having any physical interaction with § 87(2)(b). He did not recall if Capt. Longobardi physically interacted with her. He did not recall any officers using their batons to strike her. He did not observe any injuries on her. Lt. Pollari did not see any officers injured during § 87(2)(b)'s arrest. Lt. Pollari recalled Capt. Longobardi injured his hands and an elbow when struck by another officer's baton during the protests but did not recall when this occurred. When presented the above-referenced cellphone footage, Lt. Pollari generally recognize the events but could not identify any specific officer. He believed he was generally in the middle of the street but was unable to identify himself and could not confirm his specific actions during the events. Lt. Pollari observed a white-shirt officer in a moving his baton up-and-down but did not recognize him and could not elaborate on his actions. When presented the above-referenced BWC footage, Lt. Pollari described the voice issuing orders as sounding like Capt. Longobardi. The depiction of that officer was consistent with Capt. Longobardi's appearance, but Lt. Pollari could not confirm if it was him. He did not see himself or PO Dalipovski in the footage. He vaguely recalled hearing those orders at the time and believed he was in the immediate vicinity of the camera.

PO Dalipovski described himself as participating in the same pursuit as described by Lt. Pollari. He ran behind Lt. Pollari, who both ran behind Capt. Longobardi. When Capt. Longobardi fell, PO Dalipovski tripped over him and helped him up. Lt. Pollari also fell, behind PO Dalipovski. Capt. Longobardi sustained painful injuries all over his body and appeared dizzy and disoriented. Capt. Longobardi's shirt was dirtied and messed up during the fall, but PO Dalipovski did not recall if it came untucked. PO Dalipovski helped him to his feet. PO Dalipovski, Capt. Longobardi, and Lt. Pollari approached a nearby group of officers. PO Dalipovski did not recall what this group of officers was doing or if any arrests were taking place. He, Capt. Longobardi, and Lt. Pollari performed general site security and general crowd control but could not detail this activity. At some point, both he and Capt. Longobardi, who stood together, received injuries to the right sides of the bodies due to another officer(s) using their baton(s). PO Dalipovski suffered pain and swelling in his right forearm due to at least two baton strikes. He could not detail specific strikes or injuries received by Capt. Longobardi. He did not recall why the unknown officer(s) was/were swinging their baton(s). He did not recall observing any arrests of civilians or any physical interactions between any officers and civilians, including baton strikes by Capt. Longobardi. When presented the above-referenced footage, he was unable to identify any officers and did not know where he was at the time.

No other interviewed officer recalled these allegations and could not elaborate on the above-referenced footage

The arrest report for § 87(2)(b) includes no information about specific officers involved in her restraint, but it notes that information was relayed by PO Mejia-Morel to arresting officer PO Warfield.

Threat, Resistance, and Injury Report (TRI) # § 87(2)(b), prepared by Sgt. Justin Feldman of the 62nd Precinct on behalf of Capt. Longobardi, documents an injury received by Capt. Longobardi during the arrest of § 87(2)(b) due to incidental contact between his hand and

an unknown officer's baton. Lt. Joseph Pollari and PO Ajxan Dalipovski of the 62nd Precinct were reported to be present during the incident, but no specific officers are reported to have physically interacted with § 87(2)(b) during her arrest. No use of force by Capt. Longobardi is noted.

Medical Treatment of Prisoner Report § 87(2)(b) prepared by PO Warfield regarding a head injury on § 87(2)(b) at the time he took custody of her following these allegations, provided no identifying information for those officers involved in her arrest.

Only one officer in the available footage is clearly depicted swinging his baton toward § 87(2)(b) during her arrest, whom the investigation identifies as Capt. Longobardi via officer testimony concerning said footage as well as police documentation and his description matching that of the depicted officer, further noting his untucked shirt matching PO Dalipovski's description of Capt. Longobardi generally messing his shirt up just prior to these allegations.

§ 87(2)(g)

Allegation J – Force: Sergeant Bilal Ates hit § 87(2)(b) against the ground.

Footage from § 87(2)(b)'s cellphone depicts this allegation (BR 03). There are no on-screen timestamps. At 1:41, Sgt. Ates stands in the street in the middle of the frame, facing away from the camera. He turns toward the camera, then back and approaches § 87(2)(b) straddling a bicycle. Next to the cyclist, further left in the frame, is § 87(2)(b). At 1:47, Sgt. Ates holds his baton horizontally and pushes the right shoulder of the cyclist, away from the arrests taking place and toward a sidewalk. The cyclist stumbles a few steps but does not fall. Sgt. Ates turns around to face § 87(2)(b). § 87(2)(b) holds a bottle in his left hand and raises his right arm in a pointing manner towards nearby arrests. There are at least two other officers in his direct vicinity who do not appear to interact or approach § 87(2)(b). At 1:50, from behind § 87(2)(b) Sgt. Ates wraps both arms around his torso. Sgt. Ates leans his body backward as he lifts § 87(2)(b) off the ground. He guides him to the right and throws § 87(2)(b) to the ground. Sgt. Ates lets go of § 87(2)(b) while he is in the air heading to ground. § 87(2)(b) is upside down and his head and shoulders make contact with the ground. Sgt. Ates and another nearby officer take steps backward and away from § 87(2)(b). At 1:57, § 87(2)(b) is starting to get off the ground. No other civilians are depicted in his immediate vicinity, only officers. At 2:05, it appears § 87(2)(b) walks away from officers toward the sidewalk.

Footage from § 87(2)(b)'s cellphone also depicts this allegation (BR 04). There are no on-screen timestamps. At 0:19, in the background left-center of the frame, Sgt. Ates is depicting lifting § 87(2)(b) then throwing him on the ground.

§ 87(2)(b) provided testimony consistent with the above-referenced footage with the following additions. § 87(2)(b) approached 20 to 30 feet away from the arrests of § 87(2)(b) and § 87(2)(b). He yelled for the force against § 87(2)(b) and § 87(2)(b) to stop. He did not recall what officers in the area were stating. § 87(2)(b) saw Sgt. Ates approach him, whom he avoided by stepping aside. Sgt. Ates went past him.

As § 87(2)(b) continued to yell at the officers using force against the two individuals on the ground, he never raised his hand toward an officer, but pointed and gestured toward the arrests he was observing. § 87(2)(b) felt Sgt. Ates throw him to the ground. His right shoulder hit the ground first, then his head. His legs were in the air as he landed. § 87(2)(b)'s vision went dark for at least a couple of seconds. He felt stunned, dizzy, and disoriented, and he was shocked by the surprise body slam. He realized soon after that he had a bleeding injury from his head due to this interaction. § 87(2)(b) got up while still disoriented and with blurry vision and stumbled toward the sidewalk then to the corner of Atlantic Avenue and 4th Avenue. He regained his balance within 10 seconds of being taken down. Over the next few days, § 87(2)(b) felt sporadic light-headedness, shoulder soreness and pain in his body including in his lower back. The pain and

soreness continued for a couple of weeks. He went to § 87(2)(b) within several days following the incident and got a CT scan, which was negative. He received several tests including an eye test and was informed he had a back injury due to the stress of the fall and a clinical concussion.

§ 87(2)(b) provided testimony consistent with the above-referenced footage.

§ 87(2)(b) and § 87(2)(b) did not testify to witnessing this allegation.

Photographs provided by § 87(2)(b) documenting his injuries as a result of this allegation show bruising to his right eye area, a bloodshot right eye, an abrasion to his right shoulder, abrasions to the knuckles of his left hand, and a bleeding injury from near his right temple (BR 41). No specific dates or locations of those photographs were provided.

Medical records concerning § 87(2)(b)'s treatment at the § 87(2)(b) on § 87(2)(b), following his "assault" by police officers confirmed he received body injuries and that he had a CT scan, but no specific diagnosis was noted (BR 42).

Sgt. Ates saw § 87(2)(b) not moving away from the arrests taking place nearby. He screamed, cursed, and verbally threatened officers in a specific manner Sgt. Ates did not recall. § 87(2)(b) held a bottle in his hands which Sgt. Ates could not describe but he believed that he could have thrown. Sgt. Ates told him multiple times to get on the sidewalk with which he did not comply. After pushing the nearby cyclist, Sgt. Ates turned around to face his fellow officers. He observed § 87(2)(b) raising his arm nearby an officer whom Sgt. Ates was not familiar with. Sgt. Ates was concerned that § 87(2)(b) would assault this officer by potentially striking or grabbing him, or possibly reaching for his firearm. Other than raising his hand up and toward an officer, holding a bottle, and not complying with getting out of the street and away from officers, § 87(2)(b) presented no other safety concerns. As Sgt. Ates was directly behind him, the only way that he could grab him was from behind. He grabbed him in a "hugging" manner and took him to the ground. Sgt. Ates' intention at the time was to use the minimum amount of force necessary, and he believed that he did so in this instance. Sgt. Ates described his action as a "reaction" to what happened and made a quick decision when he saw a fellow officer in potential danger and wanted to control § 87(2)(b)'s hands. He did not recall if he lifted § 87(2)(b) before taking him down, but explained it was all one motion in a split-second decision and was part of the necessary takedown. He did not purposefully lift him up and press him to the ground. The takedown was not informed by any training he received. He confirmed he did receive training on takedowns, but it was in a controlled environment. The takedown of § 87(2)(b) was in an uncontrolled environment with many different factors, so he acted on an impulse to neutralize potential threat to officers. Another individual immediately helped § 87(2)(b) up and they ran into a crowd. Sgt. Ates intended to arrest § 87(2)(b) but placing him under arrest would not have been possible as he would have had to run into a hostile crowd without backup. He had probable cause to arrest § 87(2)(b) for obstruction of governmental administration (OGA), disorderly conduct, unlawful assembly, blocking vehicular and pedestrian traffic. Sgt. Ates stated most offense were violations, but the OGA was a misdemeanor. Several officers put over the radio that the officers at this intersection needed assistance, so there were several police vehicles coming into the intersection. Sgt. Ates confirmed the above-referenced footage was consistent with his recollection. When asked to explain again why he did not arrest § 87(2)(b) as he was not depicted to be immediately lost in a crowd following the takedown, Sgt. Ates noted that police vehicles were approaching on a busy intersection with a crowd of people nearby that would potentially engage him, so he felt unsafe to effect § 87(2)(b)'s arrest by himself.

TRI report § 87(2)(b) prepared by Sgt. Ates on September 4, 2020, concerning this allegation reports that he used a forcible take down, wrestling/grappling, and a hand strike to overcome resistance or aggression, defense of himself and other MOS and members of the public (BR 43). It notes force against him as thrown object, pushing/shoving, intentionally spitting/bleeding on, and active resistance. Sgt. Ates clarified during his interview that he never used hand strikes and its inclusion in the report was a clerical error.

NYPD case file § 87(2)(b) documents the investigation conducted by Lt. Steven Rios of Patrol Borough Brooklyn South Investigations into this allegation. Sgt. Ates' testimony for that investigation was consistent with his CCRB testimony. The investigation conducted by Lt. Rios concluded that Sgt. Ates' level of force against § 87(2)(b) was reasonable as he attempted to prevent injury to a fellow officer while clearing § 87(2)(b) from the area.

In officers' use of force, and in a determination of reasonableness of that force, multiple factors are considered including the nature and severity of the crime/circumstances, actions taken by the subject and the duration of those actions, immediacy of the perceived threat or harm to any party, number of subjects in comparison to the number of MOS, physical condition and age of the subject in comparison to the MOS, presence of hostile crowd or agitators NYPD Patrol Guide Procedure 221-01.

While Sgt. Ates' and the NYPD investigation contend that he used the minimal and reasonable amount of force against § 87(2)(b) to protect other officers and to enforce crowd dispersal, the video evidence is not consistent with his testimony. There are several unidentified officers in § 87(2)(b)'s direct vicinity leading up to this allegation and none are depicted to act in a manner that indicates they are fearful for their safety and no officer moves toward § 87(2)(b) to restrain him other than Sgt. Ates. § 87(2)(b) is not an apparent threat to officer safety as depicted in the video evidence. Though his stated intention as to arrest § 87(2)(b) the mitigating circumstances for that intended arrest explained by Sgt. Ates do not match the video evidence. Following Sgt. Ates' use of force against him, § 87(2)(b) takes approximately 12 seconds to raise himself up from the ground without any assistance. There are no other civilians in the direct vicinity while several officers initially observe him before walking away from § 87(2)(b) § 87(2)(b) then limps toward a sidewalk, not a crowd, as alleged by Sgt. Ates. The way Sgt. Ates slammed § 87(2)(b) to the ground was highly dangerous as § 87(2)(b)'s head made direct contact with the ground resulting in visible injuries, as evidenced in photographs provided by § 87(2)(b)

§ 87(2)(g)

Allegation K – Force: An officer used physical force against an individual.

No video footage captures this allegation.

Footage from § 87(2)(b)'s cellphone addresses events surrounding this allegation (BR 04). There are no on-screen timestamps. At 0:00, Det. Saint-Val, a black male officer with a moustache wearing a helmet, appears to be keeping a crowd including § 87(2)(b) away from arrests taking place behind him. At 0:11, Det. Saint-Val appears to hold and guide a civilian back towards the general crowd and away from the arrests. This is not depicted to be a push. At 0:22, Det. Reynolds, a black male officer with a moustache wearing a helmet, enters from the right side of the frame and appears to be keeping the crowd away from arrests taking place behind him. No physical interaction between Det. Reynolds and civilians is depicted.

§ 87(2)(b) testified to observing an approximately 40-year-old white female standing at 5'2" to 5'3" tall with blondish hair in a ponytail with a camera, a notepad, and a backpack, get pushed back aggressively by a tall black male officer who possibly had a moustache.

No other interviewed civilian testified to this allegation.

Det. Saint-Val denied pushing any civilians and did not observe any officer do so. He confirmed himself in the above-referenced footage and reiterated that he never pushed anyone but observed himself escort one female back by placing his arm against her body.

Det. Reynolds did not recall pushing any civilians or observing any officer do so. He confirmed himself in the above-referenced footage.

No other interviewed officer was able to elaborate on this allegation.

The investigation was unable to identify the victim of this allegation due to vague civilian testimony and lack of depiction in any available video evidence. § 87(2)(g)

§ 87(2)(g)

Allegation L – Discourtesy: Detective Jason Reynolds spoke discourteously to § 87(2)(b).

Footage from § 87(2)(b)'s cellphone captures this allegation (BR 03). There are no on-screen timestamps. At 1:38, as § 87(2)(b) appears to be standing with other civilians in a line, Det. Reynolds can be heard issuing orders to “back up.” At 1:57, the camera briefly captures Det. Reynolds as he tells civilians to back up. At 2:08, Det. Reynolds, the same voice, is heard stating, “Back up, I don’t give a fuck who you are, back up.” The camera moves to the left and captures Det. Reynolds at the end of that statement. He walks in front of § 87(2)(b) and states, “Miss, back up.”

Footage from § 87(2)(b)'s cellphone also captures this allegation (BR 04). There are no on-screen timestamps. At 0:05, as § 87(2)(b) appears to be standing with other civilians in a line, Det. Reynolds can be heard issuing orders to “back up.” At 0:22, the camera captures Det. Reynolds as he tells civilians to back up. At 0:36, Det. Reynolds is heard stating, “Back up, I don’t give a fuck who you are, back up.” He re-enters the frame from the left just after that statement and Det. Reynolds walks in front of § 87(2)(b) to continue telling civilians to back up.

No interviewed civilian testified to this allegation.

Det. Reynolds did not recall being part of crowd control or setting a perimeter during this incident and stated much of his activity during the protests was crowd control. He did not recall telling any protestors, “I don’t give a fuck who you are.” He confirmed his physical depiction in the above-referenced footage. He recognized his voice as issuing the initial orders to back up. He heard a voice state, “I don’t give a fuck who you are,” and did not recognize the voice. He did not recall stating that. He was not sure if the voice was his. He observed a potential law enforcement reason for that profanity in that numerous officers were trying to control a chaotic situation and at times strong language can be used to gain compliance from uncompliant individuals.

No other interviewed officer could elaborate on this allegation.

Officers are to interact with members of the public with courtesy and civility (BR 44) NYPD Patrol Guide Procedure 200-02. In situations where a police officer uses an otherwise impolite word during a stressful street encounter where that officer is attempting to maintain control of the situation, the police officer’s verbal slip does not rise to the level of actionable misconduct (BR 45) NYPD Disciplinary Case No. 79627/04.

Det. Reynolds was unable to deny his use of profanity as depicted in the available video evidence and identified the same voice that issues that profanity that issues orders to, “Back up,” as his own. He provided an exonerating reason for that profanity as outlined in the above-referenced NYPD Disciplinary Case. His use of profanity occurred within the heat of a stressful street encounter as he issued orders to civilians who apparently attempted to argue with that order.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 47).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 48).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 49).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 50).

- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 51).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (BR 52).
- Sgt. Ates has been a member-of-service for 17 years and has been a subject in 20 other cases and 61 other allegations, of which one was substantiated (see officer history):
 - 200704116 involved a substantiated allegation of an entry and search of premises against Sgt. Ates. The Board recommended Charges and the NYPD imposed Instructions.
 - 202002862 involves allegations of physical force, property damage, and vehicle stops against Sgt Ates. The case is currently pending Board Review.
 - § 87(2)(g)
- Det. Davidson has been a member-of-service for 15 years and has been a subject in 7 other cases and 15 other allegations, none of which were substantiated (see officer history). § 87(2)(g)
- Capt. Longobardi was a member-of-service for 22 years and was a subject in 12 other cases and 24 other allegations, of which two were substantiated (see officer history):
 - 201507662 involved substantiated allegations of a miscellaneous abuse of authority and an entry and search of premises against Capt. Longobardi. The Board recommended Command Discipline B and the NYPD imposed Command Discipline A. § 87(2)(g)
- Det. Reynolds has been a member-of-service for 17 years and has been a subject in 15 other cases and 34 other allegations, of which four were substantiated (see officer history):
 - 200715114 involved substantiated allegations of a threat of arrest, vehicle search, vehicle stop, and discourteous language against Det. Reynolds. The Board recommended Charges for all four allegation and the NYPD took no disciplinary action. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming Compensatory damages for past and/or future emotional and physical pain and suffering, compensatory damages for unlawful physical restraint and imprisonment, compensatory damages for violation(s) of Claimant's constitutional rights, compensatory damages for loss of past and/or future income, compensatory damages for past and/or future medical expenses, compensatory damages for other economic damages, diverse general and special damages, and punitive damages and seeking an amount to be determined by a jury as redress (BR 53). § 87(2)(b)

- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)

- § 87(2)(b) [Redacted]
- § 87(2)(b) [Redacted]

Squad: 11

Investigator:	<u>Benjamin Shelton</u>	<u>SI Benjamin Shelton</u>	<u>4/19/22</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Edwin Pena</u>	<u>IM Edwin Pena</u>	<u>04/19/22</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date